

ARKANSAS SUPREME COURT

No. CR 06-172

NOT DESIGNATED FOR PUBLICATION

GYRONNE BUCKLEY
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered February 15, 2007

APPEAL FROM THE CIRCUIT COURT
OF CLARK COUNTY, CR 99-13, HON.
JOHN ALEXANDER THOMAS,
JUDGE

REBRIEFING ORDERED.

PER CURIAM

Following appellant Gyronne Buckley's conviction in 1999 on two counts of delivery of a controlled substance, for which he received a sentence of two consecutive life terms, this court reversed and remanded for resentencing. *Buckley v. State*, 341 Ark. 864, 20 S.W.3d 331 (2000). Appellant appealed after resentencing, and the new sentence, two consecutive terms of 336 months' imprisonment, for a total term of 672 months' imprisonment, was affirmed. *Buckley v. State*, 349 Ark. 53, 76 S.W.3d 825 (2002). Appellant timely filed a petition for postconviction relief under Ark. R. Crim. P. 37.1, which was denied without a hearing. On appeal, this court reversed and remanded for hearing on at least the first four points in appellant's petition and findings of fact as to all points. *Buckley v. State*, CR 04-554 (Ark. June 16, 2005) (*per curiam*). The trial court conducted a hearing and entered an order following that hearing that again denied postconviction relief. Now before us is the appeal of that order.

We are unable to address the merits of appellant's points on appeal, however, because

appellant's brief is not adequate for our review. This court must be provided an abstract or addendum sufficient to conduct a meaningful review. *Campbell v. State*, 349 Ark. 111, 76 S.W.3d 271 (2002). In this case, appellant must file a substituted brief with this court, which must include an addendum with all essential pleadings and documents.

Appellant has not included a copy of the petition in his addendum, which is clearly a pleading relevant to any decision on that petition, and required by Ark. Sup. Ct. R. 4-2(a)(8). The State notes this conspicuous absence in its brief, assuming that appellant relies upon the petition as it appeared in the previous appeal of the order denying postconviction relief. It is true that, as a part of the public record already filed with the appellate court in the earlier appeal, the original petition need not be incorporated to form a part of the record before us. *Drymon v. State*, 327 Ark. 375, 938 S.W.2d 825 (1997). That the petition may exist in the record, however, does not cure the deficiency in appellant's brief.

Appellant is provided fifteen days from the date of this opinion to file a substituted brief and addendum to cure the deficiencies, at his own expense, in conformance with Ark. Sup. Ct. R. 4-2(a). Mere modifications of the original brief will not be accepted. The State shall have an opportunity to file a responsive brief, if desired, within fifteen days following service of the substituted brief. Should appellant fail to file a complying brief within the time allowed, the dismissal may be affirmed for noncompliance in accordance with Ark. Sup. Ct. R. 4-2(b)(3).

Rebriefing ordered.

Gunter, J., not participating.